

**Utah Solid and Hazardous Waste Control Board**  
**Meeting Minutes**  
**January 8, 2009**  
**1:30 p.m.**

**Board Members Present:** Carlton Christensen (Chair), John Newman (Vice Chair), Craig Anderson, Michael Brehm, Scott Bruce, Jeff Coombs, Ryan Dupont, Gary Mossor, Kevin Murray, Dennis Riding and Bill Sinclair.

**Board Members Excused:** Kory Coleman

**Staff Members Present:** Dennis Downs, Brad Johnson, Scott Anderson, Shane Bekkemellom, Ralph Bohn, Marty Gray, Arlene Lovato, Dale Marx, Brad Maulding, Terry Montgomery, Matt Sullivan, Doug Taylor, John Waldrip, Bill Wallner, and Raymond Wixom.

**Others Present:** Amy Blauser, MaryPat Buckman, Ben Clayton, Gene Curtis, Judy Fahys, David Gibby, Dave Gosen, Lon Griffith, Jesse Millen-Johnson, Jason Hill, Scott Kuhn, Jeff Mensinger, Melissa Scales, Kris Snow, and Angela Van Dam.

**I. Call to Order.**

Carlton Christensen (Chair) called the meeting to order at 1:30 p.m. Kory Coleman was excused from the meeting.

**II. Introduction of Bill Sinclair, Acting Executive Director of UDEQ.**

Dennis Downs introduced Bill Sinclair. The former Executive Director of UDEQ, Rick Sprott, retired in December 2008. Mr. Sinclair has now been appointed by the Governor as the Acting Executive Director for UDEQ, until a new Executive Director is appointed. Mr. Sinclair's previous position was Deputy Director for UDEQ, serving under both Dianne Nielson and Rick Sprott. Mr. Sinclair's previous positions in UDEQ include Branch Manager in the Division of Solid and Hazardous Waste and Director of the Division of Radiation Control. The Board acknowledged and welcomed Mr. Sinclair as the Acting Executive Director and as a member of the Board.

**III. Approval of Meeting Minutes for the November 13, 2008 Board Meeting (Board Action Item).  
John Newman moved to approve the November 13, 2008 Board meeting minutes. The motion was seconded by Craig Anderson and UNANIMOUSLY CARRIED.**

**IV. Acknowledgment of Richard W. Sprott.**

Carlton Christensen informed the Board that a plaque, along with a letter signed in behalf of the Board, will be mailed to Mr. Sprott expressing sincere thanks to him for his service on the Board and as the Executive Director of the Utah Department of Environmental Quality.

**V. Acknowledgment of Craig Forster.**

Carlton Christensen reminded the Board of the unfortunate passing of Craig Forster in the fatal accident that occurred at Zions National Park. Mr. Christensen noted that the memorial service at the University of Utah was a great tribute to Mr. Forster and it was clear he will be missed by many. Mr. Christensen asked the Board to make a motion that, as a token of appreciation, a plaque along with a letter signed by Mr. Christensen, on behalf of the Board, be mailed to his spouse expressing their condolences and appreciation for Craig's service on the Board.

**It was motioned by John Newman and seconded by Craig Anderson and UNANIMOUSLY CARRIED for the Board to extend its heartfelt sympathy and appreciation for Craig's service on the Board to Craig's wife through a plaque and a letter signed by the Board Chairman, Carlton Christensen, on behalf of the Board.**

## **VI. Status of future Board appointments.**

Dennis Downs explained that there are 12 members of the Board, in addition to the Executive Secretary of UDEQ, who are appointed by the Governor (with consent of the Senate) to four-year terms. The policy of the Governor is that he will allow a person to serve on the same state board for two consecutive terms. The terms of board members are offset so they do not expire at the same time.

Half of the current Board members' terms will expire in May 2009. Of those members whose terms are due to expire, only Craig Anderson has served two consecutive terms and cannot be reappointed. With this vacancy pending, Mr. Downs asked that if Board members had any suggestions of individuals who could replace Mr. Anderson, representing county government on the Board, they contact him as soon as possible. All interested parties must now apply online.

The following Board members, whose first term is set to expire in May 2009, and who are eligible for re-appointment are: Kevin Murray, Gary Mossor, Dennis Riding, Scott Bruce, and Kory Coleman. Mr. Downs asked these individuals to contact him as soon as possible if they would like to continue to serve. Mr. Downs' intent is to recommend reappointment of all Board members that have only served one term if they desire to remain on the Board. The Governor makes the final decision on all appointments and reappointments.

The vacancy left by Craig Forster and the pending vacancy of Craig Anderson also needs to be filled. Mr. Downs stated that because he has not been able to coordinate with the Governor's office, it is not clear at this time if Mr. Forster's position will be filled immediately or if it will be done in the course of the other appointments in May 2009. Mr. Forster's position, as described in the statute, is a member of the public representing organized environmental interests. Mr. Downs asked that Board members contact him with any suggestions of individuals who could replace Mr. Forster.

Mr. Downs also explained that the statute requires the election of a Board chairperson prior to the April meeting. Carlton Christensen stated that he was an advocate early on for term limits and therefore has no intention to seek reappointment as the Board Chairman. Mr. Christensen wanted to inform the Board of his intentions so if there is anyone interested, they can consider it. Mr. Christensen stated it has been a great honor to serve as the Chairmen. Mr. Downs also informed the Board that Mr. Christensen was elected Chairman of the Salt Lake City Council and congratulated him on this position. It is anticipated that the election for Board Chair will take place at the March Board meeting.

## **VII. Underground Storage Tanks Update.**

### **A. Utah UST Advisory Task Force Meeting Summary**

Brad Johnson informed the Board members that on January 6, 2008, a Utah Underground Storage Tank (UST) Advisory Task Force (Task Force) meeting was held. In the meeting, the Task Force was given a second opportunity to review and provide feedback on the proposed rules the Division of Environmental Response and Remediation (Division) is developing regarding the owner/operator certification program requirement of the Federal Energy Policy Act of 2005 (Energy Act). The main focus of the discussion held was in regards to exactly how the Division should accomplish the training. There are approximately 1,450 UST facilities that will be required to have Level A, B, and C operators to oversee the business of each facility. According to the Energy Act, the deadline for individual states to have an owner/operator certification program operational is September 2009. The Division will now incorporate all of the suggestions and/or changes made during the meeting in order for the Task Force to review the proposed rules once again. Once those draft rules have been reviewed by the Task Force, they will be sent out to a broader group of stakeholders to evaluate. It is the intent of the Division to take these rules before the Board in late spring 2009 to seek approval to proceed with formal public comment and rulemaking.

## **B. Year-End Program Statistics Review**

Mr. Johnson then explained that in order to prepare further detailed information about the historical perspective on the UST Program year-end statistics, this topic will be deferred to a future Board meeting. However, over the last 12 months, the number of USTs on the Petroleum Storage Tank (PST) Fund has declined by 54. This decline over time is partly due to the prerequisite that owner/operators were required to have all or none of their USTs on the PST Fund. Also, the current cash balance of the Fund has increased by approximately one million dollars over the past year.

John Newman asked that with the balance of the PST Fund now increasing instead of declining, as it was projected, what has impacted the balance to cause this turnaround. Mr. Johnson stated that it has been a combination of the surcharge fee being revised to ½ per gallon instead of ¼ and that the Division has streamlined some of its administrative processes.

Michael Brehm then inquired if the Utah State Legislature reviews the surcharge fee associated with the PST Fund every year to see if it needs to be modified. Mr. Johnson explained that the UST Statute includes a cap for the PST Fund and that if the balance increases to 20 million dollars, the fee automatically reverts back to ¼ per gallon.

## **VIII. Methamphetamine Drug Lab Program.**

### **A. Status of Rules**

Bill Rees provided the Board members with an update on the current status of various issues relating to methamphetamine decontamination. A “Utah Department of Environmental Quality (UDEQ) Status Update on Methamphetamine Decontamination Issues – Solid and Hazardous Waste Control Board” handout was distributed to the Board members. (A copy of this handout is available with the meeting minutes.) Among the topics discussed include the following:

- Senate Bill (SB) 209: Methamphetamine Decontamination Standards and Funding passed during the 2008 General Session. This legislation directs the Utah Department of Health (UDOH) to:
  - Establish scientifically based standards for meth decontamination.
  - Assist Local Health Departments (LHDs) in developing expertise for meth cleanups.
  - Develop/implement a strategy to educate the public about potential meth health risks.
  - SB 209 also expands authorities to address other meth sites beyond laboratories.
- UDOH Stakeholder Committee: includes the UDOH, the UDEQ, LHDs, Real Estate Interests, and Decontamination Specialists.
  - Convened to help implement SB 209 and draft revisions to the R392-600 Illegal Drug Operations Decontamination Standards rule.
  - Developed educational brochures and an informational web page for the public.
  - May revise the meth decontamination standard. The States of Colorado and California have completed detailed risk evaluations resulting in proposed meth standards of 0.5 ug/100 cm<sup>2</sup> and 1.5 ug/100 cm<sup>2</sup>, respectively.
  - Review current assessment and decontamination procedures to ensure they are protective and applied consistently statewide.
  - Refine sampling and decontamination procedures based on National Jewish Hospital research.

- Public comment period on new rules will likely be February 2009, with an effective date of July 1, 2009.
- UDEQ Decontamination Specialist Certification Program will require revision to incorporate changes to R392-600.
  - Review R311-500 and R311-501, the framework for certifying Decontamination Specialists, for possible revision.
  - Revise the UDEQ Decontamination Specialist Certification Manual (October 2005) and the Initial and Renewal exams to be consistent with any new standards and procedures.
  - Evaluate, with stakeholder involvement, the reporting requirements to LHDs to see if there are reporting loopholes that need to be addressed.
  - Work with stakeholders to inform and educate the public, LHDs, and Decontamination Specialists of new procedures and requirements, once they are adopted.

## **B. Potential Legislation**

Mr. Rees then informed the Board members that currently, the Utah Substance Abuse and Anti-Violence Coordinating Council, formerly under the Governor's Methamphetamine Task Force, is working on drafting legislation to strengthen disclosure laws for real property contaminated by meth. However, nothing specific has been proposed and if any legislation does come out during the upcoming Legislative Session, the Board will be updated on its status.

## **IX. Proposed Hazardous Waste rule changes, adoption of Cathode Ray Tubes (CRT), Rules R315-1 and R315-2 (Board Action Item).**

Susan Toronto reviewed the proposed changes to the Utah Hazardous Waste Rules, adoption of the Cathode Ray Tubes (CRTs) Rule. These rule changes streamline the management requirements for recycling of used CRTs and the glass removed from the CRTs. The proposed rules exclude these materials from the definition of solid waste if certain conditions are met. The rule is intended to encourage recycling and reuse of used CRTs and CRT glass.

At the November 13, 2008 Board meeting, the Board approved the proposed rules for formal rulemaking and public comment. A 30-day public comment period was held and no comments were received. The Division and the Executive Secretary recommend that the Board approve the proposed change with an effective date of January 15, 2009.

**It was motioned by Michael Brehm and seconded by Scott Bruce and UNANIMOUSLY CARRIED that the proposed hazardous waste rule changes, adoption of Cathode Ray Tubes (CRTs), Rules R315-1 and R315-2, be approved with an effective date of January 15, 2009.**

## **X. Hazardous Waste Facilities Section.**

### **A. Stipulation and Consent Agreement between the Board and ATK Launch Systems, Inc. (Bacchus Facility) (Board Action Item).**

Brad Maulding reviewed a proposed Stipulation and Consent Agreement (SCA) developed to release ATK Launch Systems Inc. (ATK) from its obligation identified in the 1988 Stipulation and Consent Order to address corrective action at the ATK Bacchus Facility in West Valley City, Utah.

In August 1988, the Utah Solid and Hazardous Waste Committee entered into the Order with Hercules, which is now ATK, to resolve some Notices of Violation and Orders for Compliance. The Order identified how ATK would address corrective action at the Bacchus Facility. On September 30, 2008, a Hazardous Waste Storage Permit was issued to ATK for the Bacchus Facility, Plant 1 Operation. This Permit incorporated the corrective action program for the Bacchus Facility, making the Order obsolete. The framework for continuing the corrective action process is now in the permit.

Mr. Maulding noted that Division staff has been working with ATK for a number of years on corrective action and great progress has been made at the facility relative to interim measures, on-going investigations and groundwater monitoring.

The 30-day public comment period for this SCA started on October 23, 2008 and ended on November 24, 2008. No comments were received. The Executive Secretary recommends that the Board approve this SCA.

Dennis Downs clarified that this SCA is for the ATK Launch Systems Inc. facility (Bacchus Facility) located in Salt Lake County. ATK Launch Systems Inc. also has another facility located in Promontory, Utah.

**It was motioned by Jeff Coombs and seconded by Dennis Riding and UNANIMOUSLY CARRIED to approve the proposed Stipulation and Consent Agreement (SCA) No. 0807024 to terminate ATK Launch Systems' obligations under the 1988 Stipulation and Consent Order relative to corrective action at the ATK Bacchus Facility in West Valley City, Utah.**

## **XI. Solid Waste Section.**

### **A. Stipulation and Consent Order between the Board and Arnie Clark. (Information Item Only)**

Ralph Bohn discussed the proposed Stipulation and Consent Order to resolve a Cease and Desist Order issued to Mr. Arnie Clark. Mr. Clark managed property in Glendale, Utah owned by Ms. Linda Richards. For an indeterminate amount of time, he allowed solid waste to be disposed on the property. Mr. Clark does not have a permit at this location for the operation of a solid waste landfill. On September 3, 2008, the site was inspected with the assistance of Kane County Sheriff deputies. A Cease and Desist Order was issued to Mr. Clark on September 25, 2008. A Stipulation and Consent Order (SCO) has been negotiated with Mr. Clark to resolve the Cease and Desist Order. The SCO requires removal of all solid waste from the property and subsequent disposal at a permitted solid waste management facility and restoration of the property to its former status. The SCO does not include penalties. Copies of the Cease and Desist Order and the SCO were provided in the Board's packet.

A 30-day public comment period for the SCO began on December 24, 2008 and will end on January 26, 2009. The SCO will be brought back to the Board for final action after the 30-day public comment period.

Mr. Bohn clarified that the material being disposed consisted mainly of construction/demolition waste. Therefore, it is believed that there is no major threat to human health and the environment, and that is why a Cease and Desist Order was issued because it will adequately address this issue. Also, because Mr. Clark willingly will undertake the responsibility for all costs and expenses for cleanup of the site, it was determined that a penalty would not be sought. Matt Sullivan, Environmental Scientist in the Solid Waste Program, further clarified that the State was notified of the illegal disposal through the Kane County Sheriff's Department. The area impacted was approximately 25 feet in width and 40 feet in length. The solid waste was piled and pushed off an embankment overlooking the town of Glendale. The motivation for Mr. Clark taking this waste is unclear. However, it is believed that Mr. Clark was being paid to accept the waste.

Dennis Downs stated that, especially in rural areas of the state, it is not unusual to find these types of sites on private property or even on BLM land. Even though the State and the local health departments encourage proper disposal of waste materials, many individuals often feel that construction/demolition waste can be disposed anywhere as fill material, etc. A bigger educational effort regarding these types of illegal dumping sites needs to be made. Mr. Downs stated that his staff will continue to work with the local health departments and the local law enforcement offices to deal with these types of issues.

Mr. Bohn stated that there is an approved disposal facility located in Glendale that could have been utilized. Mr. Bohn also explained that the Board usually does not deal with these types of illegal disposal issues, because they are normally handled with letters of action. However, in this instance, Mr. Clark and his attorney requested a formal settlement approved by the Board.

## **XII. Chemical Demilitarization.**

### **A. TOCDF Update.**

The TOCDF continues to process mustard ton containers, and is about 45% complete with the project. TOCDF is utilizing the Heel Transfer System (HTS) to process the heavy heel ton containers.

One permit modification recently out for public comment specifies the process to close some of the igloos once they are emptied. The Depot would like to get these empty igloos closed, so they can be used for storage of conventional munitions.

Two other permit modifications currently out for public comment deal with secondary waste issues. The first permit modification is the addition of a glove box in which secondary waste can be sorted. The second permit modification is for an autoclave to treat the secondary waste.

CAMDS is in the process of closing the pollution abatement system for the Metal Parts Furnace. This is the last pollution abatement system at the facility. It should be completed within the next few months.

On January 5, 2009, a Notice of Violation (NOV) was issued to Deseret Chemical Depot, CAMDS, and TOCDF. The NOV is based on inspections of the facility from October 2007 to September 2008. There were a total of 24 violations noted in the NOV. Marty Gray noted the significant reduction in the number of violations compared to previous inspections.

The Army has completed an environmental assessment on an incinerator that it would like to bring onsite to treat Lewisite and GA. Public meetings to present the findings will be held on January 14, 2009 at the Tooele Outreach Office and January 22, 2009 prior to the CAC meeting.

The Environmental Protection Agency encourages a process to enhance public comment, where the permittee will put a concept out to the public prior to submitting it to the State, so that public comment can be received. These public comments are then considered for incorporation into the modification that is submitted to the State. The Army is holding an enhanced public comment meeting on the PAS Filtration System (PFS) on Thursday, January 15, 2009, at the Tooele Outreach Office. It is anticipated that there will be public interest on this issue. The PFS construction is moving forward. The permit modification will be submitted next month and the review will take approximately 105 days. Operations to process the high mercury ton containers will begin late summer or early fall 2010.

Kris Snow, TOCDF representative, stated that the Army schedule shows the PFS online in the summer of 2010. There are approximately 900 mercury ton containers that need to be processed, and with anticipated completion by fall 2011.

### **B. Stipulation and Consent Order with Dugway Proving Ground for Explosive Destruction System (EDS) Operation (Board Action Item).**

Doug Taylor, Environmental Scientist, Chemical Demilitarization Section, discussed the proposed Stipulation and Consent Order (SCO) between Dugway Proving Ground (Dugway), the Product Manager for Non-Stockpile Chemical Materiel and the Board to allow the treatment of chemical munitions and chemical agent using neutralization and the Explosive Destruction System (EDS). Mr. Taylor also provided an overview, with a fact sheet, of the EDS. All treatment will be conducted in accordance with approved plans.

The EDS is owned and operated by the Non-Stockpile Chemical Materiel Project of the United States Army Chemical Materiel Agency. Mr. Taylor explained the process to treat the chemical munitions and chemical agent using neutralization and the EDS. The EDS was successfully utilized in 2004 at Dugway.

Before 1970, Dugway tested chemical munitions on outdoor ranges. Unexploded munitions on the ranges that have been found are now designated as "Non-Stockpile Chemical Materiel" and are stored in Igloo G at Dugway. There are also munitions stored in Igloo G that were intended for testing but the tests were cancelled. The EDS

will be used to treat 64 chemical rounds. Dugway also stores chemical agent in glass containers in Igloo G. This agent is no longer needed and will be declared waste and treated by neutralization at the Material Test Facility.

The public comment period on the SCO began December 4, 2008 and ended on January 5, 2009. No comments have been received. If the SCO is approved, Dugway and the Executive Secretary will negotiate a treatment plan that will also go through a 30-day public comment period. The Executive Secretary will take final action on the treatment plan at the end of the comment period.

Mr. Taylor stated that the treatment plan is currently being reviewed by the Division staff and many comments have been addressed. These comments are being sent to Dugway and the Non-Stockpile Chemical Materiel staff for response.

Board members asked for clarification regarding the two-step approval process. Mr. Taylor stated that a Stipulation and Consent Order was prepared initially to formalize the process for development and implementation of a treatment plan. Because the Board did not meet in December, a public comment period was initiated and the proposed SCO is now before the Board as an action item. Marty Gray clarified that this unit has been very difficult to bring to Utah. Dugway has wanted this unit for a while, but a formal agreement makes it more likely that the unit will actually come. Approval of a treatment plan as a separate formal action removed possible delays in bringing the EDS to Dugway.

Mr. Taylor explained that the EDS requires its own crew to operate and will be decontaminated before it leaves Dugway. The EDS will be at Dugway by September 2009 and will be used for approximately one month.

The Executive Secretary recommends approval of this SCO.

**It was motioned by Dennis Riding and seconded by Gary Mossor and UNANIMOUSLY CARRIED to approve the proposed Stipulation and Consent Order No. 0810038 with Dugway Proving Ground for Explosive Destruction System (EDS) Operation.**

### **XIII. Other Business.**

- A. Dennis Downs discussed legislative activities. Currently, the Solid and Hazardous Waste Act and the Used Oil Management Act are scheduled to sunset this year unless the Utah State Legislature reauthorizes them. This issue was brought before the Legislative Interim Committee last April, and the committee recommended reauthorization of both acts for an additional ten years. Usually, all state laws that are being reauthorized are combined into one bill, rather than addressing each one separately and independently. Therefore, these two statutes will be presented with other statutes in one reauthorization bill. The Division is not involved in any other legislation at this point. However, there may be some legislation presented by other parties regarding electronic waste recycling. The Board will be kept informed of any proposed legislation.
- B. Mr. Downs discussed current UDEQ budget issues. UDEQ has been asked by the Legislature and the Governor to make budget cuts. The UDEQ is doing all it can to minimize expenses. Bill Sinclair noted that UDEQ is fortunate in that it has several funding sources. The cuts at this time apply specifically to general fund money. Federal funds, plan review fees, and disposal fees cover approximately 75% of the program budgets.
- C. The next Board meeting will be held at 1:30 p.m. on February 12, 2009 at the Utah Department of Environmental Quality (Conference Room 101), located at 168 North 1950 West, (Bldg. #2), SLC.

### **XIV. Adjourn.**

The meeting adjourned at 2:34 p.m.